THE FAYETTE COUNTY PLANNING COMMISSION held a Public Meeting/Workshop on March 17, 2011, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Vice-Chairman

Bill Beckwith Jim Graw Douglas Powell

MEMBERS ABSENT: Tim Thoms, Chairman

STAFF PRESENT: Pete Frisina, Director of Community Development

Dennis Dutton, Zoning Administrator

Robyn S. Wilson, P.C. Secretary/Zoning Coordinator

Welcome and Call to Order:

Vice-Chairman Gilbert called the Public Meeting/Workshop to order and introduced the Board Members and Staff.

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Vice-Chairman Gilbert asked if all of the PC members had received an e-mail from Pete Frisina today regarding Storage Xxtra.

Doug Powell replied he had not reviewed the e-mail.

Vice-Chairman Gilbert advised the Fire Marshal would not allow fencing between the uses due to safety concerns. He said in lieu of the fencing, speed cushions would be recommended because they are easier for the emergency vehicles to go across. He added Mr. Frisina would be in discussions with Storage Xxtra about the change.

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1. <u>Discussion of proposed amendments to the Fayette County Code of Ordinance, Chapter</u> 20. Zoning Ordinance.

Dennis Dutton presented a handout regarding beekeeping from information listed on the "Green Earth" website. He pointed out the handout addressed: 1) where to put your colonies; 2) to provide water at all times; 3) population; and 4) beekeeping management. At this time, Mr. Dutton turned the floor over to Mike Maxwell.

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Doug Powell explained a complaint was received by the County regarding a next door neighbor's bees. He said when the individual contacted the Planning and Zoning Department, he discovered there was not an ordinance regulating bees. He commented the individual who complained does not want any beekeeping allowed. He stated the PC was trying to develop an ordinance.

Bill Beckwith advised that the purpose of the Workshop tonight is to collect information and not make any decisions.

Vice-Chairman Gilbert concurred and reported there would be public hearings held for the public to speak in favor or in opposition to the proposed ordinance.

Beekeepii

Веекееріпд		
Whe	re to put your colonies	
	Away from property lines.	
	Build screens so colonies are out of sight. Use fencing, buildings, or shrubbery.	
	Have screens tall enough to direct flight paths at least 6 feet high.	
	Keep away from occupied buildings, but if close, away from entrances and walkways.	
	Use neutral colors for your colonies.	
	Place on substantial hive stands.	
	Leave enough room between the screens and the hives to work around the colonies.	
	Avoid having droppings fall on neighbors.	
	Face natural flight paths away from neighbors, your yard or garden, no matter the height of	
	the screen.	
Ducz	da Watan At all timas	
Prov	ide Water At all times	
	Place colonies near a natural water source if possible. If a natural source ign't available provide a permanent water source that does not go dry	
	If a natural source isn't available, provide a permanent water source that does not go dry including water gardens, automatic livestock water devices, dripping faucets, drip irrigation	
	pipes and the like. NEVER let a water source run dry.	
	pipes and the like. IVEVER let a water source full dry.	
Popu	ılation	
1		
	suggested, more than five is not. This includes nucs, top bar hives, and standard 10 or 8	
	frame hives.	
	On larger lots, city or suburban, these numbers may be proportionally increased.	

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Beekeeping

Colonies must be registered with the state apiary division of the department of agriculture	
and any other agency requiring registration.	
If inspection is part of registration, colonies should be inspected as often as required Al	
colonies must be in moveable frame hives.	
Do not work colonies when neighbors are outside.	
Do not work colonies when the weather is not favorable.	
Do not work colonies at night.	
Do not leave unused beekeeping equipment or hive debris anywhere outside where bees car	
find it.	
Only work colonies during the best part of the daymid morning to mid afternoon.	
Re-queen aggressive colonies, immediately.	
All queens should be marked.	
If colonies are kept on land not owned by the beekeeper, but with permission of the owner	
the beekeeper should have a sign conspicuously posted giving contact information.	
Avoid robbing situations, stop robbing immediately if it begins.	
Prevent swarming.	
Make certain your insurance coverage includes coverage for honey bees.	
Keep good records of all your activities, you may need them later.	
The beekeeper should belong to a local beekeeping organization.	
The beekeeper should have taken a beekeeping class, and be able to offer proof.	
Extracting facilities should be bee-tight so bees are not escaping from the building.	
Extracted honey supers should not be left outside on vehicles or in piles inviting bee	
visitation.	

Mike Maxwell presented the following information:

- 1. Owns 11 honeybee hives as a hobby on 1.5 acre lot, zoned R-40.
- 2. Received warning from the Marshal Office regarding the illegal beekeeping.
- 3. Beekeeping is considered livestock and not permitted in a residential zoning district.
- 4. Bees moved to Heard County.
- 5. Appeared before the BOC and requested amendments to the ordinance.
- 6. BOC receptive and referred the request to the PC.
- 7. BOC directed staff to work with the interested beekeepers which are numerous.
- 8. Met with staff on March 15, 2011, to share information. Staff copied information and made said copies available for tonight.
- 9. Referenced a handout entitled "*Being a Good Neighbor*" from the Barnstable County Beekeepers Association, Best Management Practices for Beekeeping, which addresses hive densities as follows: 2 hives per ½ acre; 4 hives between ½ acre; 6 hives between ½

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- and 1 acre; 8 hives 1 to 2; no limit on hives situated more than 200 feet from the property boundary. Pointed out hive density is very important.
- 10. Referenced a handout entitled "Beekeeping in Residential Neighborhoods" which addresses Good Neighbor Policy which states: No more than four (4) hives of honeybees for each one-quarter acre or less of lot size shall be maintained on any lot.
- 11. Referenced Long Island's "Beekeeper's Club Good Neighbor Policy" which states: No more than four (4) hives of honey bees for each one-quarter acre or less of lot size will be maintained on any lot.
- 12. Referenced a handout entitled "Article VI Design Standards and Improvement Requirement" from Florida which states: 10,890 square feet or less 2 colonies; 10,891 to 21,780 square feet 4 colonies; 21,781 to 43,500 square feet 6 colonies; 43,561 square feet or larger 8 colonies; and on larger lots, if all colonies are located at least 200 feet from all lot lines, there shall be no limit on the number of colonies that may be kept regardless of parcel size.
- 13. Referenced g-mail from Dr. Keith Delaplane, the leading educational authority in the state of Georgia regarding beekeeping.
- 14. Wild bees are going into decline because of diseases and parasites; however, the Africanized bees are not in decline.
- 15. Africanized bees are not prevalent in this area, but a man was killed in Albany.
- 16. Best prevention against Africanized bees is to have healthy European stock bees because European stock bees are not aggressive.
- 17. Wild bees can build hives in such locations as a hollow tree.
- Zoning Ordinance was amended for keeping of horses in a residential zoning district which states: Sec. 5-26. Raising and Keeping of Horses in Residential Districts. The raising and keeping of no more than one (1) horse on a lot consisting of a minimum of three (3) acres and one (1) additional horse for each additional acre shall be allowed on any lot for which single-family residential is a permitted use (EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, PUD-PRD, and C-S.) An accessory structure related to the shelter of horses shall be allowed, as long as, such accessory structure complies with Article V. The boarding of horses and commercial riding lessons shall be prohibited. A precedent has been established by this section.
- 19. Presented the following draft ordinance:
 - The raising and keeping of honeybees will be allowed on any lot for which single-family residential is a permitted use (EST, R-85, R-80, R-78, R-75, R-72, R-70, R-55, R-50, R-45, R-40, R-20, PUD-PRD, and C-S) as governed by the density chart described below in this section. An accessory structure related to the shelter of horses shall be allowed, as long as, such accessory structure complies with Article V.

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Raising and Keeping of Honeybees in Residential Districts

No hive of honeybees shall be maintained within 10 feet of a boundary line of the lot on which said hive is located.

No hive of honeybees shall be maintained unless an adequate supply of water shall be furnished within 20 feet of said hive at all times between March 1 and October 31 of each year.

No hive of honeybees shall be maintained in a residential area in such a manner as shall constitute a substantial nuisance.

# of Hives	Lot Size
2	Up to ¼ acre
4	Between 1/4 and 1/2 acre
6	Between ½ and 1 acre
8	1 to 3 acres

No limits are set for the density of apiaries situated more than 200 feet from the property boundary. However, hive health will require regular monitoring for saturation.

- 20. Bees do swarm but they will move in a day or two (2.)
- 21. Proposed ordinance should be simple and easy to understand.
- 22. Hobby beekeepers usually have two (2) to 25 beehives.
- 23. Collect honey and give as Christmas gifts and attend one (1) craft fair.
- 24. Passed out bottles of honey to the PC, staff, and some of the audience.
- 25. Local honey helps with allergies and other reasons.
- 26. Bees are drawn to chlorinated water; however, beekeeper needs to provide an adequate water source.
- 27. Bees are lazy.
- 28. People who are allergic to bees are scared of one (1) bee.
- 29. No regulations for commercial beekeepers.
- 30. Commercial beekeepers move beehives from Florida along the east coast.

Bo Mullins presented the following information:

1. Beekeepers responsibility is to provide more room for the hive or constrict the room in the hive which requires management of the hive.

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- 2. When queen becomes weak, the hive knows it and the queen will begin to lay more queen eggs and once hatched can produce the royal jelly. Beekeeper should look for queen cells and keep the number down so there will not be a swarm.
- 3. Important to understand the bees.
- 4. Bees stay within a three (3) mile radius of the beehive.
- 5. Few natural bees on the North American continent so honeybee colonies were brought over on ships to pollinate the fruit trees.
- 6. Italian honeybees are one (1) of the most docile type of bees.

Jerry Edwards, President of the Coweta County Beekeepers' Association presented the following information:

- 1. No guarantees to stop bees from swarming.
- 2. Beekeepers will go get swarming bees if called to do so.
- 3. Wild bees should be re-queened.
- 4. One-third of total food supply is created by honey bees.
- 5. Africanized bees move in from the hot climates into the colder areas and progresses slowly. Africanized bees travel up expressways from Mexico through Texas up I-10, I-20, and I-35 into Louisiana and California. They also travel from Florida along I-75 into Georgia.
- 6. If Africanized bees mate with honeybees, they become more gentle bees.
- 7. Well maintained honeybee hives can limit Africanized bees.
- 8. Put chlorine or Clorox in water supply for bees.
- 9. Each beehive may contain 30,000 to 50,000 bees, approximately three (3) pounds.
- 10. At any one (1) time, only one-third of the bees will be outside of the beehive.
- 11. Forging bees go out and collect the honey and pollen.
- 12. Have blanket liability insurance.
- 13. Commercial beekeepers move hives for cash crops, but are usually wintered in Florida and South Georgia because it is too cold here.
- 14. A good hive may produce from 80 to 100 pounds per hive per year.
- 15. Don't know what is happening to the honeybees. One (1) commercial beekeeper lost 1,500 hives in one (1) year. Personally lost five (5) hives last year.
- 16. Colonies are not required to be registered with the State Apiary Division of the Department of Agriculture.
- 17. Bees do not come out of the hive in the winter and they do not go to the bathroom in the hive. They only use the bathroom on warm days.

Page 7 March 17, 2011 PC Workshop Unidentified guests presented the following information:

- 1. Ninety percent of beekeepers are hobbyist.
- 2. Swarms are docile. They do not attack.
- 3. Found yellow jackets and ground bees on property but they never attacked.
- 4. Benefits are tremendous.
- 5. Provide children's wading pools for honeybees.
- 6. Commercial beekeepers cluster bees because it is more profitable.
- 7. County has a nuisance ordinance.
- 8. Saw diminished pollination of garden. Garden better because of bees.
- 9. Once honeybees are gone, food prices will soar like gasoline prices because food will have to be imported.
- 10. Backyard beekeeper will keep bees alive. Bees are one (1) of God's greatest creations.
- 11. State does control commercial beekeepers and they do perform inspections.

Doug Powell asked everyone present how many beehives they own. The answers varied from two (2) to 11.

Bill Beckwith asked if two (2) hives per one (1) acre would be acceptable.

Jerry Edwards replied he personally would not like to see the beehives limited to two (2) per one (1) acre.

Mike Maxwell asked what the next step was in the process.

Dennis Dutton explained a draft ordinance would be developed and copies will be distributed to the beekeepers.

Doug Powell stated he would like to see a simple ordinance.

Jim Graw suggested development of an ordinance for hobbyist and commercial beekeeping. He added commercial beekeeping should be limited to the A-R zoning district on a minimum of 10 acres.

Vice-Chairman Gilbert thanked the beekeepers for their input and advised that Dennis Dutton would be contacting the beekeepers.

Vice-Chairman Gilbert called for a break at 7:58 PM to allow the guests to leave. He reconvened the Workshop at 8:02 PM.

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Recreational Vehicle

Dennis Dutton explained there was a complaint filed about a temporary occupied recreational vehicle being parked in the street. He stated the Marshal's Office pointed out that due to verbiage, it would be tough to defend in court so the Sheriff's Office was contacted. He commented the language of the traffic laws do not prohibit the parking in the street in low traffic areas. He pointed out the Zoning Ordinance would need to be amended to address the parking of a recreational vehicle in the street. At this time, he introduced Alvin Russell.

Alvin Russell presented copies of the recreational vehicle (43 feet plus bump outs) and the burned area it left on the pavement, copies of a proposed ordinance, and he also provided the following information:

- 1. Introduced his wife and next door neighbor's son.
- 2. Seven (7) periods to date starting in 2009.
- 3. Occupants of recreational vehicle are the parents of the lady renting the house.
- 4. Four (4) homes in cul-de-sac.
- 5. Advised owners of the recreational vehicle and told them it was not appropriate to be parking in the street.
- 6. Called the Marshal's Office in October, 2010.
- 7. Sheriff's Deputy talked to the occupants and Mr. Russell.
- 8. Recreational vehicle is not visible up the street since it is parked down a hill in the cul-desac.
- 9. Called the Marshal's Office and the BOC Executive Assistant in December, 2010.
- 10. Smelled diesel fumes emitted from generator, which runs 24 hours per day.
- 11. Generator is noisy and can be heard inside of house.
- 12. Suggested occupants park elsewhere.
- 13. Unable to park in driveway due to low hanging utility lines and limbs. Lot is 2.2 acres.
- 14. Recreational vehicle impedes the flow of traffic.
- 15. Impacts property values with sell of homes.
- 16. Sent email expressing concerns to owner in 2009.
- 17. Recreational vehicle is not aesthetically pleasing to look at and interferes with the view from house.
- 18. Concerned about safety issues with vehicles and pedestrians.
- 19. Concerned about children playing in the street.
- 20. Camping or lodging is prohibited on county facilities. If prohibited on county facilities, it should be prohibited from parking in the street.
- 21. Do not want recreational vehicle parking in street at all, whether occupied or not.
- 22. Lawsuit to pursue nuisance would be expensive.

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- 23. How strongly a person feels about a matter depends on whose ox is being gored.
- 24. Renter stated he had permission from the owner of the house to park the recreational vehicle on the street.
- 25. Require a fence to buffer adjacent properties from noise and view.
- 26. Should be a liability to the County since the recreational vehicle is parking in the street.
- 27. Should be adequate room on a 2.2 acre lot to park a recreational vehicle.
- 28. Occupants are not taking the concerns seriously.
- 29. Pete Frisina had advised it was the intent to have the recreational vehicle parked on a lot and not in the street so please put in the ordinance.
- 30. A pad could be constructed to allow the parking of the recreational vehicle.
- 31. Between the three (3) neighbors there is a combination of 66 years living in the cul-de-sac.
- 32. Is the County willing to take on the liability if there is an accident?

Jim Graw said the parking of a recreational vehicle in a residential street is a safety issue and should be prohibited on any street.

Doug Powell stated buffers are not required within a single-family subdivision. He said the county consists of approximately 120,000 people, basically a residential county, and this is the first complaint he is aware of. He commented he understood Mr. Russell's concerns; however, he had a problem developing a policy around one (1) complaint when there may be numerous of people are enjoying visits from their parents, other family members, and friends. He pointed out a recreational vehicle is not prohibited from parking on the street based on current ordinance and the Marshal's Office and Sheriff's Office have both determined that it is not a safety issue. He added he would like to see his Dad parked out front in a recreational vehicle whenever he can visit, as long as, the duration is in compliance with the ordinance. He said he would advise his neighbors in advance of the visit. He concluded amending the ordinance was over-reaching especially since the Marshal's Office and the Sheriff's Office have made their ruling. He added that soon no one would be allowed to park on a street in a residential area.

Vice-Chairman Gilbert commented he had a problem prohibiting people from parking their unoccupied recreational vehicle on the street since there had been no complaints. He said he had a problem taking privileges from people. He remarked there was a difference in parking a recreational vehicle in the street and parking an occupied recreational vehicle in the street. He noted some restrictive covenants may prohibit the parking of recreational vehicles; however, restrictive covenants are enforced by the homeowners and not the County.

Jim Graw suggested the following: When utilized for temporary occupancy, the parking of a recreational vehicle on any residential street in any residential zoning district shall be prohibited. He asked for clarification of the current ordinance.

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Robyn Wilson explained the ordinance was amended to allow a recreational vehicle to be parked in

any zoning district which contains a single-family dwelling because a single-family dwelling is a Conditional Use in a non-residential zoning district. She added parking of a recreational vehicle in a residential zoning district did not require the lot to contain a single-family dwelling because the PC, in their previous discussions, wanted someone to be able to park their recreational vehicle on their property and enjoy their pond.

Vice-Chairman Gilbert advised that Dennis Dutton would make amendments to the ordinance which would be discussed further by the PC, then present it to the BOC in a Workshop to see if they wish to proceed, then there would be a public hearing held by the PC to make a recommendation to the BOC and then a public hearing would be held by the BOC for possible adoption, after being reviewed by the County Attorney.

Alvin Russell referenced Sec. 5-29. and asked if someone arrived at mid-day would the day count toward the duration of 14 days.

Vice-Chairman Gilbert replied he would look at it like a hotel and each evening stayed would count as a day.

Doug Powell suggested amending the ordinance to state 14 nights instead of 14 days.

Alvin Russell stated he did not want a recreational vehicle parked in the street at all.

Vice-Chairman Gilbert thanked Mr. Russell for his input. He instructed staff to prepare amendments to the ordinance for further discussion and contact Mr. Russell to advise him when it will be discussed at a Workshop.

Telecommunication Towers

Dennis Dutton said since the P&Z Department had received some tower applications, clarification of some requirements had been brought to staff's attention. He advised the proposed amendments are basically "housekeeping" items to clear up any confusion and language, the relocation of certain requirements, and the addition of requirements from the checklist.

Robyn Wilson pointed out there had been some confusion from some of the tower companies regarding "approval" because approval from the BOC in a public hearing does not mean the process is finished, approval of a Site Plan is still required.

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Dennis Dutton presented the following proposed amendments:

Sec. 3-1. Words and terms not explicitly defined in this Ordinance shall have the meaning given by common and ordinary use as defined in <u>Webster's New Collegiate Dictionary</u>. The word "shall" is always mandatory while the word "may" is merely discretionary. The following specific definitions shall apply:

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower Facility. The area containing \underline{a} tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors.

Tower Height. When referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *Building Height.*)

Tower, Planned. Any tower that is in the <u>public hearing procedure</u>, approval site <u>application</u> process, or has been approved, but not yet constructed (see Article V.)

Tower structure, Alternative. Tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free-standing clock towers and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Towers and Antennas, Pre-Existing. Any tower or antenna permitted prior to December 10, 1998.

Sec. 5-47. Standards for Telecommunications Antennas and Towers.

- A. Purpose and Intent. The purpose of this ordinance is to establish minimum development standards for the regulation of commercial telecommunications transmission towers, including, but not limited to: cellular and Personal Communications Systems (PCS) towers, broadcasting towers, two-way radio towers, fixed-point microwave dishes, commercial satellites and receiving dishes, and related equipment cabinets and/or buildings. The intent of this ordinance is: (1) to implement the provisions of the Telecommunications Act of 1996, on a local level; (2) to control placement of towers and antennas in a way that minimizes the adverse visual impact to nearby properties by locating towers and antennas in non-residential areas or in areas where the adverse impact on the community is minimal; and (3) to advocate the shared use of new and existing tower sites through co-location, thereby discouraging the proliferation of towers throughout Fayette County.
- B. *Authority*. Only the Board of Commissioners has the authority to reduce or waive the requirements under this section through the public hearing procedure.

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- C. Applicability.
 - District Height Limitations. Height limits specified for each zoning district shall not apply to

- towers and antennas. The requirements set forth herein shall govern the height of towers and antennas.
- 2. Governmentally Owned Property. These requirements shall not apply to any governmentally owned property, including: properties owned by the Board of Commissioners, Board of Education, or a municipality, as well as, the State or Federal government, that are used for the location of any tower facility.
- 3. *Amateur Radio Antennas*. This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is less than 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator.
- 4. *Pre-Existing Towers and Antennas.*
 - a. Any tower or antenna which existed prior to December 10, 1998, that does not comply with the requirements herein shall be deemed legally nonconforming. Any enlargement of a pre-existing tower or tower facility, shall meet the requirements herein. Co-location of an antenna which does not increase the height of the tower or placement of additional equipment cabinets or buildings within the existing tower facility shall be allowed under the provisions of Site Plan Requirements.
 - b. Replacement of a pre-existing legally nonconforming tower structure is permitted provided that all of the following apply:
 - i. The replacement tower is constructed within 25 feet of the existing tower and is not greater in height than the existing tower.
 - ii. The tower being replaced is removed from site within 90 calendar days from the issuance of the Certificate of Occupancy for the replacement tower;
 - iii. Additional co-location opportunities on the new tower are made available with the minimum users required based on tower height; and
 - iv. A site plan indicating the location of the replacement tower shall be required.

D. General Requirements.

- 1. Towers and tower facilities shall be on a lot which meets the minimum lot size for the zoning district in which it is located. Towers and tower facilities may be located on a lot containing another use. Towers and tower facilities may occupy a leased area being a portion of the lot.
- 2. Internal setbacks for towers, tower facilities, and anchors shall be measured to the boundaries of the lot, not the boundaries of the leased area. Setbacks for towers shall be measured from the base of the tower.
 - a. All towers shall be set back from all adjoining properties zoned residential or A-R a distance equal to the height of the tower plus 10 feet.
 - b. All towers shall be set back from all adjoining properties zoned non-residential a distance of 100 feet.
 - c. All towers shall be set back from the street right-of-way (existing or required) a distance equal to the height of the tower. Street right-of-way is based on the classification of the street (see County Code, Development Regulations.)

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- d. All towers, excluding alternative tower structures, shall be set back from any off-site residence a distance equal to three (3) times the tower height or a minimum of 500 feet, whichever is greater.
- e. Any tower facility and anchors for guyed towers shall comply with the minimum required setbacks and/or buffers of the applicable zoning district.
- 3. Towers located on the same lot as a private school or day care center shall be set back a distance equal to the height of the tower from all facilities, excluding parking areas. This provision shall not apply to an alternative tower structure which is allowed in conjunction with a Private School Conditional Use.
- 4. All towers, excluding alternative tower structures, shall be structurally designed to accommodate the following minimum numbers of carriers based on height of the tower:
 - a. up to 70 feet : one (1) carrier;
 - b. greater than 70 up to 120 feet: two (2) carriers;
 - c. greater than 120 feet up to 150 feet: three (3) carriers;
 - d. greater than 150 feet up to 180 feet: four (4) carriers;
 - e. greater than 180 feet up to 250 feet: five (5) carriers; and
 - f. greater than 250 feet: six (6) carriers.
- 5. All tower facilities, excluding tower facilities associated with alternative tower structures, shall be enclosed by a steel chain link fence not less than eight (8) feet in height, with slat inserts for screening. Access to the telecommunication tower shall be through a locking gate. In addition, a minimum of three (3) strands of barbed wire shall be used along the top of the fence to prevent unauthorized access to the tower.
- 6. A landscaped strip 10 feet in width surrounding the perimeter of the tower facility shall be required. Landscaping shall be staggered double rows of evergreen trees a minimum of six (6) feet in height when planted and spaced every 10 feet on center. Landscaping shall be installed on the outside of the required security fence. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Zoning Administrator may determine that natural growth around the property perimeter may be sufficient in lieu of the required landscaping. If existing vegetation is to remain and requested to count toward the landscaping requirements, all such information, including location, size, and type of vegetation shall be indicated on the site/landscape plan. These requirements shall not apply to a tower facility associated with an alternative tower structure.
- 7. Maximum height for all towers and antennas is 500 feet. Tower height shall be measured from the natural grade of the ground at the location of the tower to the highest point of the tower, including any antenna. If minimal grading (elevation of one [1] to two [2)] feet above natural grade) is required to level the ground for the tower base, tower height shall be measured from the finished grade approved by the County Engineer.
- 8. No signage shall be placed on a tower structure or antenna.
- 9. Application Requirements. All applicants for new tower construction shall include the following information at time of application submittal: site and landscape plans drawn to scale;

Page 14 March 17, 2011 PC Workshop a report including all tower specifications and a description of the tower with technical reasons for its design; documentation establishing the structural integrity for the tower=s proposed uses; the general capacity of the tower and information necessary to assure that ANSI standards are met; a statement of intent on whether excess space will be leased; proof of ownership of the proposed site or authorization to utilize it; and copies of any easements necessary.

- 10. Inventory of Existing or Planned Tower Sites. No new tower shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower or any planned towers can accommodate the applicant=s proposed antenna. All evidence shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All of the following shall be required to sufficiently demonstrate that no existing or planned tower can accommodate the proposed antenna:
 - a. Each applicant for a new tower and antenna shall contact the owners of all existing and planned tower sites, including those located within the zoning jurisdictions of municipalities and/or other counties, that are within the search area of the applicant=s proposed tower or antenna location, and provide the Planning and Zoning Department with an inventory of said tower sites at the time of application submittal.

The inventory shall include the following information:

- i. All tower owners and the number of carriers for each tower site;
- ii. The site location, total height, and design type of each tower;
- iii. Details of all existing and planned towers or structures located within the search area and the ability of such to meet the applicant=s engineering requirements, including, but not limited to: sufficient height, structural support strength, and electromagnetic interference with antenna(s) on the existing towers or structures;
- iv. Other limiting factors that render existing towers and structures unsuitable; and
- v. Letters of rejection for requests to co-locate on all existing and planned towers within the service area of the proposed tower.
- b. The Planning and Zoning Department may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided; however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- c. If it is determined that the applicant cannot feasibly locate an antenna on an existing tower or planned tower, the applicant shall demonstrate that the proposed new tower is designed to accommodate the required number of carriers.
- 11. Site Plan Requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall

Page 15 March 17, 2011 PC Workshop include, total tower height including antennas, type and design of any tower facility, including equipment buildings or cabinets, ingress/egress, landscaping and buffer requirements, setbacks, fencing, zoning of adjacent property, and other information necessary to assess compliance with this ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

The following scenarios shall not require submittal of a site plan:

- a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)
- b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.
- c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.

Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.

- 12. Aesthetics and Lighting Requirements. The following compatibility standards shall govern the aesthetics and lighting of any tower facility, including the installation of antennas on towers.
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - b. If an antenna is installed on a structure other than a tower, the antenna and equipment cabinets shall be architecturally compatible with, the color and texture of the supporting structure. Roof mounted equipment cabinets shall be screened so as to make the equipment visually unobtrusive.
 - c. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- 13. Federal Requirements. All towers shall meet current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government with the authority to regulate towers and antenna.

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- including modulation studies on frequency usage, to avoid interference with existing systems in operation. Prior to submittal for an administrative site plan approval, applicants shall be required to submit a copy of the Determination of No Hazard to Air Navigation from the FAA and a copy of the Carrier's FCC license.
- 14. Building Codes and Safety Standard Requirements. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards or that such tower constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 60 days to bring such tower into compliance.
- 15. Removal of Abandoned Antennas and Towers. Prior to the abandonment of any tower or antenna, a copy of the notice of Intent to Abandon required by the FCC shall also be submitted to the Fayette County Planning and Zoning Department. Any antenna or tower, including pre-existing towers and antennas, that is not in use for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- 16. Performance Bond Required. Prior to the issuance of a Zoning Compliance Certificate of Occupancy to erect for a new tower structure, every applicant shall be required to deposit a performance bond with Fayette County. The amount of the bond shall be equal to 10 percent of the total construction cost or a minimum of \$5,000, whichever is greater. not less than \$5,000 nor more than 10 percent of construction costs, shall be set by the Zoning Administrator. Such bond shall be required upon compliance with all aspects of this section and shall be applicable to any assignee and owner of any permit granted hereunder, or any employee, contractor, subcontractor, or other party performing services in connection with any Certificate of Zoning Compliance issued by the Planning and Zoning Department. The required performance bond shall be released only upon demolition of the tower and restoration of the site to the pre-development conditions. The format of the bond shall be approved by the County Attorney The approved format of the bond is available in the Planning and Zoning Department.
- E. Supplemental Requirements. In addition to the General Requirements above, the following Supplemental Requirements shall apply as specified below.
 - 1. *Highway Corridor*. Locating towers along the following highway corridors is permitted as an overlay zone provided all the following requirements are met:
 - a. The State and County Highways included within the Highway Corridor are S.R. 54, S.R. 85, S.R. 92, S.R. 74, S.R. 314, S.R. 279, S.R. 138, and 85 Connector.
 - b. The Highway Corridor tower overlay zone permits towers in any zoning district when located within 1,000 feet of the right-of-way on either side of the aforementioned roads in unincorporated areas of Fayette County.

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- e. An Administrative Approval can be granted for towers of 250 feet or less in height within the Highway Corridor provided that the tower meets all other applicable requirements.
- d. Towers in excess of 250 feet in height in the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.
- e. All new towers, excluding alternative tower structures, located within the Highway Corridor that are 70 feet or greater in height shall not be located within one (1) statute mile from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing governmentally-owned towers where colocation is not permitted or from alternative tower structures.
- 2. Outside of the Highway Corridor.
 - a. Outside of the Highway Corridor, a tower may be located only in the following zoning districts:

Manufacturing and Heavy Industrial District (M-2);

Light Industrial District (M-1);

Highway Commercial District (C-H);

Community Commercial District (C-C);

Agricultural Residential (A-R); and

R-70 Single-Family Residential District.

- b. An Administrative Approval can be granted for towers of 180 feet or less in height outside of the Highway Corridor provided that the tower meets all other applicable requirements.
- c. Towers in excess of 180 feet in height outside of the Highway Corridor shall require public hearings before the Planning Commission and Board of Commissioners.
- d. All new towers, excluding alternative tower structures, located outside of the Highway Corridor that are 70 feet or greater in height shall not be located within one and one-half (1.50) statute miles from any existing or planned towers (within any local government jurisdiction) that are 70 feet or greater in height. This minimum distance requirement shall not apply from existing government-owned towers where co-location is not permitted or from alternative tower structures.
- 3. *Alternative Tower Structures*.
 - a. The purpose of an alternative tower structure is to diminish, camouflage, or conceal the appearance of towers and antennas to reduce the visual impact on surrounding properties and streets. Depending on the nature of the site, the proposed alternative tower structure shall be appropriate and in character with its surroundings. For example, the use of a monopine is more fitting on a site with stands of mature trees; whereas, the use of a flag pole or light pole alternative tower structure is more suitable for the developed portion of a site.
 - b. Alternative tower structures shall comply with the General Requirements herein with the exception of the setback requirements from off-site residences, security fencing requirements, landscape requirements, and tower separation requirements of both the Highway Corridor and outside of the Highway Corridor. Alternative tower structures

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shall be allowed in the Highway Corridor, outside of the Highway Corridor in the zoning districts listed herein, and in conjunction with the following existing Conditional Uses:

- i. Church or Other Place of Worship;
- ii. Developed Residential Recreational/Amenity Areas;
- iii. Private School; and
- iv. Telephone, Electric, or Gas Sub-Station or Other Public Utility Facilities.
- c. Alternative tower structures, in conjunction with the above listed Conditional Uses, shall meet the setbacks established in the General Requirements or the Conditional Use setbacks, whichever is greater.
- d. An Administrative Approval can be granted for an alternative tower of 120 feet or less in height provided that the tower meets all other applicable requirements.
- e. An alternative tower in excess of 120 feet in height shall require public hearings before the Planning Commission and Board of Commissioners.
- f. A maximum of one (1) alternative tower structure shall be allowed per lot.
- g. The alternative tower structure shall match the visual simulation depiction and engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site.
- h. Design Review and Approval Process: Alternative tower structures shall go through a Design Review and Approval Process before the Planning Commission.
 - The purpose of this Design Review and Approval Process is to determine that the alternative tower structure type is appropriate for the site and surrounding area and set requirements for the alternative tower structure type, placement on the site, equipment structures, fencing and landscaping.

The Design Review and Approval Process application shall include the following:

- i. An analysis of the nature and character of the site and how the alternative tower structure is appropriate in context to the site and the view from surrounding properties and streets;
- ii. A visual simulation consisting of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets; and
- iii. Engineering detail and specification drawings from the manufacturer/ supplier of the alternative tower structure specifically proposed for the site which shall indicate all applicable requirements herein.
- i. *Monopine Towers*.
 - i. Monopine towers shall maintain the natural conical appearance of a loblolly pine tree. Antennas shall be placed a minimum of five (5) feet below the top of the tower, as measured from the highest point of the antenna to maintain said appearance.

- ii. Foliage shall be green in color and the tower shall be brown in color. The antennas shall be green to blend with the foliage and the foliage shall extend a minimum of one (1) foot beyond the antennas. The foliage shall be UV resistant to reduce degradation and fading and constructed to withstand winds of 110 MPH, certification of such shall be supplied with the application.
 - Foliage shall be placed on the tower down to the height of the foliage of surrounding trees. The structure shall have sufficient limbs at the time of initial installation so that there is no gap between the existing canopy and the lower most limbs of the monopine.
- iii. The installation of the foliage on the monopine shall be installed prior to final inspections. Foliage on the monopine shall be maintained and/or replaced to the specifications established by the engineering detail and specification drawings from the manufacturer/supplier of the alternative tower structure specifically proposed for the site to retain the screening of the antennas. Upon notice from the County that the foliage is in need of maintenance and/or replacement, the tower owner shall have 90 days to make such repairs.
- j. Flag pole and light pole alternative tower structures shall utilize internal antennas and slick stick design. Flag poles utilized as an alternative tower structure shall be exempt from the Article V.
- F. Public Hearings Required to Reduce or Waive Requirements.
 - Public hearings before the Planning Commission and Board of Commissioners are necessary to reduce or waive requirements for the approval of a proposed tower, antenna, or equipment cabinet or building that is not allowed under the Permitted Uses or Administrative Approvals, and/or cannot comply with the Development General Requirements, and/or Supplemental Requirements, or Alternative Tower Structures. The procedure for said public hearings shall follow the procedure for rezoning (see Article XI.) Applicants shall apply for public hearings through the Planning and Zoning Department. The application with deadline submittal and public hearing dates is available in the Planning and Zoning Department. The application shall include the following:
 - a. A scaled Concept Plan, *drawn on the signed/sealed survey*, graphically indicating the lot and leased area, total tower height including antennas, type and design of the tower structure, the boundary of the tower facility, all applicable setbacks (both on and off-site), ingress/egress, landscaping areas, and zoning of the subject property and adjacent property;
 - b. An Inventory of Existing or Planned Tower Sites per the standards listed under Supplemental Requirements;
 - c. A balloon test shall be conducted prior to the public hearings. The balloon shall be flown for a minimum of four (4) daylight hours from the location of the proposed tower, at the requested height. The application shall include the date and time of the balloon test and an alternative date, in case of inclement weather. The initial balloon test shall be held on a Saturday and the alternative date may be held on any day of

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- week. A sign announcing the dates of the balloon test shall be posted on the property by the County a minimum of five (5) calendar days prior to the initial balloon test; and
- d. The applicant shall submit a visual simulation, based on the balloon test, a minimum of seven (7) calendar days prior to the Planning Commission public hearing. Failure to meet this deadline will postpone the tower application to the next scheduled cycle of public hearings. The visual simulation shall consist of color photographs of the proposed site with the existing view and with a depiction of the proposed tower, from a minimum of four (4) distinct quadrants (generally north, east, south, and west), to demonstrate the visual impact on surrounding properties and streets. An Affidavit certifying that the correct location and height of the tower were utilized in the balloon test shall be submitted with the visual simulation photographs.
- 2. Factors Considered in Public Hearing Applications. The following factors shall be considered when evaluating a tower application:
 - a. Height of the proposed tower;
 - b. Proximity <u>Distance</u> of the tower to residential structures and residential zoning district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Topography of the site and its effect on the efficiency of the tower in terms of coverage;
 - e. Surrounding tree coverage and foliage and its effect on the efficiency of the tower in terms of coverage, as well as, its effect on the visual impact of the tower on surrounding properties and streets;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. The degree of the tower's compliance with the one (1) statute mile separation (inside the Highway Corridor) or one and one-half (1.5) statute mile separation (outside the Highway Corridor.)

In granting its approval <u>to waive or reduce requirements</u>, the County, through the Board of County Commissioners or its designee, may impose conditions that are necessary to minimize the adverse effect of a proposed tower or antenna on adjoining property. <u>A site application shall be submitted within 60 days of the date of approval or the proposed tower will no longer be deemed a planned tower.</u>

Jim Graw suggested inserting "by the Board of Commissioners" after "the date of approval."

- **Site** Application Requirements. All applicants for new tower construction shall include the following information at time of application submittal:
 - a. completed application forms signed and notarized;
 - b. proof of ownership of the proposed site parent tract (latest recorded Warranty Deed) or authorization to utilize it:

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- c. site and landscape plans drawn to scale; plan prepared by an Engineer or Architect registered by the State of Georgia;
- d. landscape plans (see General Requirements);

Doug Powell asked if the site plan and landscape plans had to be prepared by an Engineer or Architect registered by the State of Georgia.

Robyn Wilson explained landscape plans are not required to be prepared by an Engineer or Architect, only the site plan has to meet that requirement.

- a. provide number of carriers based on maximum height of tower;
- b. provide inventory of Existing or Planned Tower Sites (see General Requirements);
- c. a report including all tower specifications and a description of the tower with technical reasons for its design;
- d. documentation establishing the structural integrity for the tower=s proposed uses;
- e. the general capacity of the tower and information necessary to assure that ANSI standards are met;
- f. a statement of intent on whether excess space will be leased;
- g. copies of any easements necessary;
- h. a copy of the Determination of No Hazard to Air Navigation from the FAA; and
- i. a copy of the Carrier's FCC license (as applicable for an antenna).

Site Plan Requirements. All tower applicants for new towers shall be required to submit a scaled site plan which complies with all applicable requirements of the Development Regulations (see County Code.) Additional information indicated on the site plan shall include:

- a. <u>a signed/sealed survey by a land surveyor registered in the State of Georgia of the parent</u> tract, leased area, and ingress/egress easement, indicating the metes and bounds for each;
- b. total tower height including antennas;
- c. type and design of any tower facility, including *location of* equipment buildings or cabinets;
- d. <u>distance from nearest off-site residences;</u>
- e. fencing and gate details;
- s. landscaping and buffer requirements;
- f. <u>all applicable</u> setbacks <u>for the tower, tower facility, and anchors for guyed tower, as</u> applicable;
- g. distance between towers;
- h. zoning <u>and acreage</u> of <u>parent tract;</u>
- i. zoning of adjacent property; and
- j. other information necessary to assess compliance with this ordinance.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Site plan submittal shall include completion of a tower application, signed and notarized by both the property owner and the tower company representative/agent.

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The following scenarios shall not require submittal of a site plan:

- a. Installing an antenna on an existing structure, so long as said installation adds no more than 20 feet to the height of said existing structure (including buildings, light/utility poles, water towers, or other free standing non-residential structures excluding signs and towers.)
- b. Co-locating an antenna on any existing tower, so long as, said installation does not exceed the maximum height of administrative tower approval for that location and complies with all applicable conditions of approval associated with the tower site.
- c. Enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site which does not require an enlargement of the existing tower facility.

Prior to the placement or co-location of any antenna, enlargement of an existing equipment building, or placement of additional equipment cabinets or buildings at a tower site, the applicant shall provide written notice to the Zoning Administrator. The notice shall include a depiction of the location, size, and configuration of such antenna on the existing tower and equipment location within the existing tower facility in reference to an existing site plan and a certification from a licensed professional engineer verifying that the antenna will comply with wind load requirements and weight limits for the structure or tower as designed and installed. A Zoning Compliance Form shall be issued by the Zoning Administrator upon satisfaction of the above requirements, and any applicable building permits/inspections shall be required.

H. **Site** Application Timeframes.

The County shall act on applications for co-locations within 90 days, and all other applications within 150 days. The Zoning Administrator has 30 days to determine if an application is complete. If the Zoning Administrator requests additional information within the 30 day review period, the time it takes the applicant to respond will not count towards the 90 or 150 day time limits. *Upon notice that an application is incomplete, the applicant has 30 days to submit all information necessary to complete the application. Failure to complete the application in this timeframe shall result in an automatic withdrawal of the application and proposed tower will no longer be deemed a planned tower.*

Dennis Dutton explained this amendment was added to require the tower companies to act in a timely manner so another tower company is not being held up unreasonably.

Jim Graw suggested inserting "calendar" prior to "days" throughout the ordinance.

Doug Powell suggested inserting a definition for calendar days.

Robyn Wilson advised this section was taken directly from the Federal Law which did not state "calendar" days and should probably not be changed.

Attorney Jennifer Blackburn concurred that the Federal Law did not state "calendar" days.

Jim Graw asked if an automatic withdrawal was part of the Federal Law.

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Attorney Jennifer Blackburn replied it was not a part of the Federal Law; however, usually a tower company wants to build the tower yesterday and doesn't usually drag their feet. She added Peachtree City has a similar requirement. She pointed out an automatic withdrawal would not penalize the applicant if they can't get the application material back in 30 days. She reported this would allow the applicant to re-file but if another applicant beats them to file, the original applicant is knocked out of place. She remarked a denial is looked at as a prejudice in court.

G. Tower Approval Expiration.

Approval <u>of a site application</u> for a tower granted either administratively or through the Board of Commissioners, or its designee, shall expire 24 months from the date of approval <u>and will no longer</u> <u>be deemed a planned tower</u>, unless a Certificate of Occupancy has been issued for the tower <u>or the</u> <u>building permit remains active</u>.

Attorney Jennifer Blackburn suggested reducing the expiration from "24 months" to "12 months" which allows the tower company adequate time to construct the tower.

Jim Graw suggested inserting "by the applicable departments" after "a site application."

Robyn Wilson asked the PC if they were ready to proceed forward with the proposed amendments.

The PC concurred for staff to proceed forward.

Dennis Dutton advised that the proposed amendments would be presented to the BOC at their April 6, 2011, Workshop and staff would be requesting permission to advertise for public hearings.

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Vice-Chairman Gilbert asked if there was any further business.

Doug Powell asked if the ordinance regarding "animals" included "bees."

Robyn Wilson replied that there would be two (2) separate ordinances, one for cats and/or dogs and one for beekeeping.

Doug Powell asked what items were on the April 7, 2011, PC Agenda.

Robyn Wilson replied the rezoning petition from Storage Xxtra from M-1 to PUD-PSBC and a floodplain variance for the Flat Rock AME Church.

March 17, 2011 PC Workshop Vice-Chairman Gilbert asked if a Workshop could be held after the Public Hearing in April. Robyn Wilson replied if staff is able to have the proposed amendments prepared for beekeeping and/or recreational vehicle, a Workshop would be a possibility. Hearing no further business, Bill Beckwith made a motion to adjourn the Public Meeting/Workshop. Jim Graw seconded the motion. The motion unanimously passed 4-0. Chairman Tim Thoms was absent. The Public Meeting/Workshop adjourned at 9:19 P.M. **PLANNING COMMISSION OF FAYETTE COUNTY ATTEST:** AL GILBERT **VICE-CHAIRMAN**

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ROBYN S. WILSON P.C. SECRETARY